

Wetlands Bureau Decision Report

Decisions Taken
06/29/2009 to 07/05/2009

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2009-00480

REMINGTON, JOHN

LACONIA Lake Winnepesaukee

Requested Action:

Fill 580 sq ft to construct 42 linear ft of breakwater, in an "I" configuration, with a 6 ft gap at the shoreline, and drive 4 tie-off piles, two 3-piling ice clusters, and construct a 6 ft x 39 ft piling pier and a 6 ft x 37 ft 4 in piling pier connected by a 6 ft x 12 ft walkway in a "U" configuration with a piling supported boatlift and a 14 ft x 30 ft seasonal canopy in the center slip, and install 2 seasonal personal watercraft lifts on an average of 212 ft of frontage on Lake Winnepesaukee, in Laconia.

APPROVE PERMIT:

Fill 580 sq ft to construct 42 linear ft of breakwater, in an "I" configuration, with a 6 ft gap at the shoreline, and drive 4 tie-off piles, two 3-piling ice clusters, and construct a 6 ft x 39 ft piling pier and a 6 ft x 37 ft 4 in piling pier connected by a 6 ft x 12 ft walkway in a "U" configuration with a piling supported boatlift and a 14 ft x 30 ft seasonal canopy in the center slip, and install 2 seasonal personal watercraft lifts on an average of 212 ft of frontage on Lake Winnepesaukee, in Laconia.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated February 24, 2009, as received by the Department on March 18, 2009.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
8. The breakwater shall not exceed 3 feet in height (Elev. 507.32) over the normal high water line (Elev. 504.32).
9. The width as measured at the top of the breakwater (Elev. 507.32) shall not exceed 3 feet.
10. Rocks may not remain stockpiled on the frontage for a period longer than 60 days. Rocks shall not be stockpiled with 20 ft of any property line or the extension of any property line over the water.
11. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.
12. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
13. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
14. The breakwater shall have an irregular face to dissipate wave energy.
15. Support pilings shall be spaced a minimum of 12 ft apart as measured center to center.
16. Seasonal watercraft lifts shall be removed for the non-boating season.
17. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be removed for the non-boating season. Further, the flexible fabric cover shall be removed during all seasons of non-use.
18. The proposed footbridge shall be installed in a manner that does not impact wetlands.
19. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(j), construction of a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Env-Wt 402.07, Breakwaters.
3. The applicant has an average of 212 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13 Frontage Over 75'.
5. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII, and therefore, meets Rule Env-Wt 402.13.
6. Public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
7. The Applicant has submitted an analysis of the potential for sand migration in the area of the proposed structure which indicates that the proposed structure will not adversely affect the movement of sand or sediment along this section of the shoreline.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

2008-00647 DIENER, JAKOW
BETHLEHEM Unnamed Pond Wetlands

Requested Action:

Proposal to construct a small dug-out pond impacting 6,211 sq. ft. of wetlands.

APPROVE PERMIT:

Dredge and fill 7,043 sq. ft. of wetlands to retain impacts for a previously constructed access road and construction of a new wildlife and fire prevention pond. Work in wetlands consists of dredging 3,815 sq. ft. of very poorly drained wetlands for creation of the pond and retaining 3,228 sq. ft. of dredging and filling and two 15 in. HDPE culverts for a previously installed driveway/access. The driveway also includes an additional 2,592 sq. ft. of impacts conducted by the previous landowner, which was considered a cumulative impact and permitted with the adjacent application (Wetlands Bureau File #2008-1444).

With Conditions:

1. All work shall be in accordance with plans by Watershed to Wildlife, Inc., dated January 2009, as received by DES on January 8, 2009.
2. Work shall be done during low flow.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. A New Hampshire Certified Wetland Scientist (CWS) shall monitor the project during construction to assure the pond is constructed in accordance with the approved plans.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.

10. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
11. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
12. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03 (h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f) and Env-Wt 303.03(e) Construction of a pond with less than 20,000 square feet of impact in a wetland or surface waters, which does not meet the criteria of Env-Wt 303.04(p).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed site on December 10, 2008.
6. The applicant was unaware of the previous impacts for the driveway until an inspection was conducted for a subsurface systems for the newly constructed home.
7. The applicant revised the application at the request of DES to include the non-permitted driveway impacts and further minimize and avoid impacts for proposed pond.
8. The applicant's agent investigated the wetland impacts for the driveway and it was determined that 5,820 sq. ft. of wetlands had been filled. The previous owner's agent further investigated the fill material and determined that he (previous owner) was responsible for approximately 2,592 sq. ft. of impact conducted for access upgrades in 2006. The 2,592 sq. ft. was included in the adjacent landowner's application (Wetlands Bureau File #2008-1444).
9. The applicant has minimized impacts to wetlands for the pond by reducing the proposed pond impacts from 6,211 sq. ft. to 3,815 sq. ft., preserving portions of the isolated wetlands in its natural state and creating shallow marsh areas along the edges of the pond.
10. The applicant was not responsible for the previous impacts for the driveway, however, he was willing to obtain a permit for all impacts.
11. The cumulative impacts for the project are below 10,000 sq. ft. and it is unknown who or when the original access road was constructed.

2008-01231 DUPUIS, MARCEL
HOOKSETT Merrimack River

Requested Action:

Proposal (original) to dredge and fill approximately 5702 square feet along 192 linear feet of the bank of the Merrimack River further described as follows: Install an approximately 14 ft. high x 185 linear foot "REDIROCK" retaining wall and retain an existing docking system on 230 feet of shoreline frontage on the Merrimack River, Hooksett.

APPROVE PERMIT:

Approval to dredge and fill 4822 square feet along 192 linear feet of the bank of the Merrimack River further described as follows: Install a rip-rap toe to 6 feet above the reference line (elevation 182), bio-stabilize 8 feet above the rip-rap to the top of bank using a combination of "BIOD-ROLL 50 SEDIMENT LOG" "BIOD-OLF 30 EROSION FABRIC" soil lifts and native upland, bank and wetlands plantings (elevation 190), and install a 6 foot high x 16 foot long retaining wall in the bank above elevation 182 at the location of the existing structures. Remove the existing dock and deck systems and replace by installing a 16-foot long x 4-foot wide seasonal dock accessed by a 4-foot wide x 18-foot long seasonal walkway in a "T" configuration extending no more than 22 feet into the water from the reference line on approximately 230 feet of shoreline frontage on the Merrimack River, Hooksett.

With Conditions:

1. All work shall be in accordance with plans and revised narratives by CLD Consulting Engineers, Inc., plan sheets C2, C3 and C4, revision dated June 5, 2009, as received by DES on June 5, 2009.

2. At least 72 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit.
It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
3. Work shall be done during low flow, and preferably during drawdown of the river.
4. This permit shall not be effective until it has been recorded with the Merrimack County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
5. A follow-up report with photographic documentation prepared by a qualified environmental professional shall be filed with the DES Wetlands Bureau within 60 days of the completion of work and after one full growing season.
6. Planted vegetation shall have at least 75% successful establishment after one growing seasons, or it shall be replanted and re-established until it is replicated in a manner satisfactory to the DES Wetlands Bureau.
7. No equipment shall enter the adjacent surface water (i.e., equipment shall work from the bank and top of bank).
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. All work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
11. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the river. In-stream work shall not exceed five (5) consecutive days in total unless specifically authorized by the DES Wetlands Bureau.
12. Discharge from dewatering of work areas shall be to sediment basins that are located in uplands and lined with hay bales or other acceptable sediment trapping liners.
13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
14. Material shall be dewatered in sedimentation basins located outside of the jurisdiction of the DES Wetlands Bureau. The dewatering area shall be lined with siltation and erosion controls to prevent runoff from entering jurisdictional areas.
15. Extreme precautions shall be taken to limit unnecessary removal of vegetation within riparian areas or woodland buffer.
16. Erosion control structures must be removed once the area is stabilized.
17. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid. Faulty equipment shall be repaired immediately.
18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
19. All refueling of equipment shall occur outside of surface waters, banks or wetlands during construction.
20. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
21. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.02(1), projects that alter the course or disturb less than 200 linear feet of intermittent or perennial noontide stream or river channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The stabilization is needed to repair erosion damage, storm event damage, and to protect the existing infrastructure and mature trees on the property.
6. The applicant has reduced the proposed project from an approximately 14 feet high 185 linear feet of "REDIROCK" retaining wall and permanent dock structure to a combination of rip-rap toe and bank and bio-stabilization with soil lifts, bio-rolls and native plantings and a approximately 16 linear foot (face) section of REDIROCK retaining wall.
7. The site was identified by the New Hampshire Natural Heritage Bureau for being in the vicinity of State listed endangered Brook Floater Mussel and Bald Eagle.
8. The New Hampshire Fish and Game Department (NHFG) commented that they were okay with the project if they plant "strongly

horizontally branching tree species- white pines and oaks preferably."

9. The applicant has revised the plans per NHFG comments.

10. The NHFG has approved the amended plantings.

11. The applicant has provided written agreements from affected abutters within 20-feet of the property line in accordance with Administrative Rule Env-Wt 304.04.

12. The existing docking system is being removed and replaced with a seasonal dock and seasonal ramp

13. The applicant submitted a letter from Public Service of New Hampshire indicating they have no objections to the proposed dock structure as long as it generally conforms to the stipulations in their draft dock license agreement and indicated they would formally execute and agreement in the future.

14. DES Staff conducted a field inspection of the site on November 21, 2008. Field inspection determined that the entire bank appeared to be unstable and discussed the use of a rip-rap toe and vegetation/stabilization on the upper portions of the slope.

Requested Action:

Proposal (original) to dredge and fill approximately 5702 square feet along 192 linear feet of the bank of the Merrimack River further described as follows: Install an approximately 14 ft. high x 185 linear foot "REDIROCK" retaining wall and retain an existing docking system on 230 feet of shoreline frontage on the Merrimack River, Hooksett.

APPROVE RECONSIDERATION:

Approve reconsideration to dredge and fill 4822 square feet along 192 linear feet of the bank of the Merrimack River further described as follows: Install a rip-rap toe to 6 feet above the reference line (elevation 182), bio-stabilize 8 feet above the rip-rap to the top of bank using a combination of "BIOD-ROLL 50 SEDIMENT LOG" "BIOD-OLF 30 EROSION FABRIC" soil lifts and native upland, bank and wetlands plantings (elevation 190), and install a 6 foot high x 16 foot long retaining wall in the bank above elevation 182 at the location of the existing structures. Remove the existing dock and deck systems and replace by installing a 16-foot long x 4-foot wide seasonal dock accessed by a 4-foot wide x 18-foot long seasonal walkway in a "T" configuration extending no more than 22 feet into the water from the reference line on approximately 230 feet of shoreline frontage on the Merrimack River, Hooksett.

With Findings:

1. The application was denied untimely on February 13, 2009.

2. A request for reconsideration was received on March 12, 2009 along with supporting information that was received by e-mail on February 11, 2009.

A. Grounds for Reconsideration

The request for reconsideration and supporting information asserts the following as the basis for the request:

1. The agent did not miss the January 19, 2009 deadline of the Request for More Information letter ("RFMI"), issued by the Department on September 16, 2008, because it was actually hand delivered to the department's front desk near closing on January 16, 2009 and was not date stamped by DES Wetlands Bureau staff until January 20, 2009 due to the State Holiday (Martin Luther King Jr./Civil Rights Day) on January 19, 2009.

2. The agent provided the department with the additional review questions by June 5, 2009, as requested by the department.

B. Standards and Process for Review

1. RSA 482-A:10, II requires the request for reconsideration shall describe in detail each ground for the request for reconsideration.

2. RSA 482-A:10, III provides that on reconsideration, the Department will receive and consider any new and additional evidence presented, and make findings of fact and rulings of law in support of its decision after reconsideration.

3. RSA 482-A:10, V provides that the burden of proof is on the party seeking to set aside the department's decision to show that the decision is unlawful or unreasonable.

4. If the department is persuaded by a request for reconsideration of a permit denial was erroneous, the result is that the permit originally requested would be granted.

C. Findings of Fact and Rulings of Law

1. RSA 482-A:3, XIV establishes the process that the department must follow when processing applications and establishes deadlines by which decisions must be made.

2. The subject application was received July 1, 2008 and was determined to be administratively complete on July 7, 2008.

3. By letter dated September 16, 2008, the department requested more information pursuant to RSA 482-A:3, XIV(b) ("RFMI").
4. The Department did not receive a response to the RFMI within the 120 days of the request per RSA 482-A:3, XIV(b).
5. Based on RSA 482-A:3, XIV(b) the department denied the application because the issues raised in the RFMI were not addressed.
6. The request for reconsideration suggests that the department's decision was erroneous because the agent did try to respond to the department's request.
7. The agent has met his burden of proving that the department's decision was unreasonable because he did respond to DES by the required deadline.

D. Decision

1. Based on the foregoing, the department has granted the reconsideration to the subject application, file number 2008-01231.

2008-01444 CROWE, CHRISTOPHER
BETHLEHEM Unnamed Wetland

Requested Action:

Proposal to impact 8470 sq. ft. of wetlands for the construction of a roadway and one driveway to a proposed 8 lot residential subdivision.

APPROVE PERMIT:

Dredge and fill 6,359 sq. ft. of wetlands and associated perennial streams for construction of an access roadway and two driveways to a proposed 9-lot residential subdivision. Work in wetlands for the access road (starting from Brook Road) consists of: crossing one 2,211 sq. ft. (120 linear ft.) wetlands and associated perennial stream impact for installation of three embedded 36 in. x 35 ft. HDPE culverts (culverts set in individual flow channels to maintain existing flow patterns through the area) and an associated embedded 12 in. x 44 ft. HDPE culvert; crossing two consists of 1,440 sq. ft. of wetlands impact for installation of an embedded 18 in. x 35 ft. HDPE culvert; crossing three consists of 1,206 sq. ft. of wetlands impact for installation of an embedded 18 in. x 35 ft. HDPE culvert. Impacts for two driveways consists 205 sq. ft. (70 linear ft.) of wetland and associated perennial stream impact for installation of an embedded 48 in. x 20 ft. HDPE culvert for access to proposed lot 30-9 and 1,502 sq. ft. of wetlands impacts for installation of an 36 in. x 30 ft. HDPE culvert for access to proposed lot 30-4. The project also includes retaining and permitting of approximately 2,592 sq. ft. of wetlands impacts associated with upgrading an access driveway to an adjacent lot by the applicant.

With Conditions:

1. All work shall be in accordance with plans by Associated Consulting Civil Engineers, PLLC sheet 1 through 4 of 4, dated June 6, 2008 and revised through May 20, 2009, as received by DES on June 1, 2009, "Subdivision Plan" by Boulanger Consulting, dated May 26, 2009, as received by DES on June 1, 2009 and narratives by Headwaters Hydrology, PLLC dated may 28, 2009 as received by DES on June 1, 2009.
2. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
3. A New Hampshire Certified Wetland Scientist (CWS) shall monitor the project during construction to assure work is conducted in accordance with the approved plans and narratives.
4. This permit is contingent approval by the United States Environmental Protection Agency (USEPA) of the proposed vernal pool easement areas and deed restriction language.
5. Work shall be done during low flow.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
9. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #8 of this approval.
10. This permit shall not be effective until it has been recorded with the Grafton County Registry of Deeds office by the Permittee.

A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.

11. Native material removed from the streambed during culvert installation, shall be stockpiled separately and reused to emulate a natural channel bottom within the culverts. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap.

12. Unconfined work within the stream, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.

13. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.

14. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.

15. Temporary cofferdams shall be entirely removed immediately following construction.

16. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

17. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

18. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

19. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

20. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

21. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

23. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.

24. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

25. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f) and Env-Wt 303.03 (l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

5. The applicant has revised the project in response to the Request for More Information letter (RFMI) issued by DES on October 17, 2008 and concerns due to a possible wetlands violation by the applicant on an adjacent lot.

6. The applicant was issued a time extension on February 13, 2009 to address the RFMI and potential wetlands violations.

7. The applicant's agent did extensive research to address the non-permitted impacts.

8. The new wetlands impacts have been reduced from 8,470 square feet of impact to 6,359 square feet. The revisions were needed to reduce impacts and to provide adequate protection of two identified vernal pools on the property.

9. An additional 2,592 square feet has been included in the application for upgrades conducted to a access (now driveway and different ownership) to an adjacent lot (Wetlands Bureau File #2008-00647).

10. The adjacent landowner purchased the property from the applicant and was unaware of the driveway impacts. It came to the abutter's attention when the lot was inspected for a subsurface system approval and during review of an application for a proposed pond on the lot.

11. The applicant has reduced all impacts to be below 10,000 square feet and 200 linear feet of stream impact, therefore, no compensatory mitigation is required.

12. The applicant's agent has responded to the Conservation Commission comments and the permit is conditioned on no further impacts to wetlands.
13. The applicant/agent has addressed the United States Army Corps of Engineers letter dated October 8, 2008 and associated comments from the United States Environmental Protection Agency (USEPA) dated September 18, 2008. The permit is conditioned on approval by the USEPA of the proposed vernal pool easements and deed language.
14. DES Staff conducted a field inspection of the proposed project on December 10, 2008.

2009-00210 TROY WATER AND SEWER COMMISSION
JAFFREY Fassett Brook

Requested Action:

Deny permit request to retain 400 sq. ft. of Fassett Brook impact and associated twin 48-inch culverts for access to a small groundwater withdrawal well and dredge and fill 60 sq. ft. of Fassett Brook for watermain installation.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit request to retain 400 sq. ft. of Fassett Brook impact and associated twin 48-inch culverts for access to a small groundwater withdrawal well and dredge and fill 60 sq. ft. of Fassett Brook for watermain installation.

With Findings:

1. A request for additional information dated April 21, 2009, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2008, requiring the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a)(2), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

2009-00241 MCCAFFREY, GEOFFREY & KIM
CHARLESTOWN Unnamed Stream

Requested Action:

Dredge and fill \pm 4,721 sq. ft. of Beaver Brook associated palustrine forested and scrub-shrub wetlands to install a 14.3-ft. x 20-ft. bridge with concrete block abutments, a 15-inch x 25-foot culvert and 15-inch x 30-foot culvert for driveway access to an existing single family lot of record.

APPROVE PERMIT:

Dredge and fill \pm 4,721 sq. ft. of Beaver Brook associated palustrine forested and scrub-shrub wetlands to install a 14.3-ft. x 20-ft. bridge with concrete block abutments, a 15-inch x 25-foot culvert and 15-inch x 30-foot culvert for driveway access to an existing single family lot of record.

With Conditions:

1. All work shall be in accordance with plans by Landmark Land Services, LLC dated January 2009, and revised through May 26, 2009, and plans revised through June 02, 2009, as received by the Department on June 12, 2009.
2. Work shall be done during annual low flow conditions.
3. In the event there is flow at the time of construction a stream diversion plan shall be submitted to the department prior to construction. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no

turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. There shall be no excavation or operation of construction equipment in flowing water.
9. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
11. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
12. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
13. Temporary cofferdams shall be entirely removed immediately following construction.
14. Culverts shall be laid at original grade.
15. Proper headwalls shall be constructed within seven days of culvert installation.
16. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to the commencement of construction.
18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
20. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
21. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
22. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
23. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
24. A post-construction report documenting the status of the completed project shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), alteration of 200 linear feet of perennial stream and Env-Wt 303.03(h), alteration of less than 20,000 square feet of wetlands.
2. Drainage calculations were provided confirming the proposed structure will pass a 100-year storm.
3. The Beaver Brook top-of-bank was determined to be 14 feet and bankfull width 11.9 feet.
4. The subject parcel was subdivided in 1979.
5. The applicant owns abutting tax map/lot no. 103/47 and has agreed to use the access approved by this permit as shared access to tax map/lot no.'s 103/46 and 103/47.
6. The applicant has received written consent from the owners of lot 45 (Tax Map 103), abutters to the property on which project activities will take place, for work within 20 feet of their property lines, in accordance with Env-Wt 304.04(a).
7. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
8. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
9. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

Requested Action:

Deny permit application to dredge and fill \pm 3,788 sq. ft. of palustrine wetlands to install a culvert, retaining wall and catch basin to allow for wetland fill for field cultivation.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit application to dredge and fill \pm 3,788 sq. ft. of palustrine wetlands to install a culvert, retaining wall and catch basin to allow for wetland fill for field cultivation.

With Findings:

1. A request for additional information dated April 23, 2009, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2008, requiring the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a)(2), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

2009-00432 ANTRIM, TOWN OF
ANTRIM Great Brook

Requested Action:

Dredge and fill 695 sq. ft. and temporarily impact 725 sq. ft. of Great Brook to replace a failing 10-ft. x 6-ft. x 36-ft. CMP with a 20-ft. x 30-ft. pre-cast bridge.

APPROVE PERMIT:

Dredge and fill 695 sq. ft. and temporarily impact 725 sq. ft. of Great Brook to replace a failing 10-ft. x 6-ft. x 36-ft. CMP with a 20-ft. x 30-ft. pre-cast bridge.

With Conditions:

1. All work shall be in accordance with plans by Quantum Construction Consultants, LLC dated April 22, 2009, as received by the Department on June 19, 2009.
2. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
3. This permit is contingent upon the restoration of 725 square feet of temporary stream impact in accordance with plans received May 12, 2009, and June 19, 2009, immediately following the completion of construction.
4. Work shall be done during annual low flow conditions.
5. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. There shall be no excavation or operation of construction equipment in flowing water.
11. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the

substructure work area from the surface waters.

12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
13. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
14. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
15. Temporary cofferdams shall be entirely removed immediately following construction.
16. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
17. Materials used to emulate a natural channel bottom within the culvert, between wingwalls and beyond must be rounded and smooth stones similar to the natural stream substrate and shall not include angular rip-rap or gravel.
18. The recreated stream channel bed must maintain the natural and a consistent streambed elevation and not impede stream flow.
19. Stream restoration shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create a healthy riverine system that is replicated in a manner satisfactory to the DES Wetlands Bureau. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing stream sinuosity, changing the slope of the stream, and changing the hydrologic regime.
20. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
21. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
22. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
23. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
24. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
25. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
26. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
27. A post-construction report documenting the status of the restored streambed and banks and completed bridge construction shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. No concerns were submitted from the Natural Heritage Bureau or the NH Fish and Game Department.
3. In correspondence dated April 23, 2009, the Environmental Protection Agency confirms the project is eligible as proposed.
4. The proposed bridge span will double the hydraulic capacity of the existing structure and meets NHDOT criteria for hydraulic capacity.
5. The applicant has obtained permanent easements and agreements for entry and construction from property owners on which project activities are proposed.
6. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

Requested Action:

Dredge 18 cubic yards from 386 sq ft of lakebed and excavate 1021 sq ft from 30 linear feet of bank to construct a 900 sq ft dug in single-story boathouse providing 2 slips, on an average of 151 feet of frontage on Lake Winnepesaukee, Alton.

Conservation Commission/Staff Comments:

Con Com has concerns about the number of slips on the frontage.

APPROVE PERMIT:

Dredge 18 cubic yards from 386 sq ft of lakebed and excavate 1021 sq ft from 30 linear feet of bank to construct a 900 sq ft dug in single-story boathouse providing 2 slips, on an average of 151 feet of frontage on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans having the revision date of June 19, 2009, as received by DES on June 19, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. The owner shall file a restrictive covenant in the appropriate registry of deeds limiting the use of the boathouse to the storage of boats and boating-related accessories. A copy of the recorded covenant shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. The boathouse shall be a single-story structure; ridgeline not to exceed 15 ft in height (Elev. 519.32) above normal high water (Elev. 504.32).
6. Dewatering of work areas and dredged materials shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liner.
7. Area shall be regraded to original contours following completion of work.
8. All dredged and excavated material and construction related debris shall be placed outside of the areas under the jurisdiction of the DES Wetlands Bureau.
9. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
13. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 2 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
14. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g), removal of no more than 20 cubic yards of rock, sand, gravel, sand, mud, or other materials from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project. Field inspection determined the proposed plans represent the

existing site conditions.

6. The applicant has an average of 151 feet of shoreline frontage along Lake Winnepesaukee.
7. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
8. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
9. The proposed project is not classified as a major project, therefore it does not require Governor and Council approval.

2009-00715 MACCORMACK, ROBERT
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Remove a 4 ft x 4 ft concrete pad and associated access steps to the water, remove approximately 6 linear ft of stone and mortar wall, and excavate 365 sq ft along 22 linear ft of shoreline to construct a 20 ft x 20 ft irregularly-shaped, perched beach on an average of 100 ft of frontage on Lake Winnepesaukee in Moultonborough.

APPROVE PERMIT:

Remove a 4 ft x 4 ft concrete pad and associated access steps to the water, remove approximately 6 linear ft of stone and mortar wall, and excavate 365 sq ft along 22 linear ft of shoreline to construct a 20 ft x 20 ft irregularly-shaped, perched beach on an average of 100 ft of frontage on Lake Winnepesaukee in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction revised June 9, 2009, and received by DES on June 10, 2009 and the Proposed Perched Beach Cross Section received April 23, 2009.
2. This permit does not authorize any work to the docking structures currently existing on the property, does not in any way imply that the structures have been found to be compliant with permits issued for their construction under RSA 482-A, and shall not be amended to allow any work on the docking structures. Any work directly associated with these structures that will be within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. All dredged or excavated material, and construction related debris shall be placed outside of the DES Wetlands Bureau jurisdiction.
4. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
5. The steps installed for access to the water shall be located completely landward of the normal high water line.
6. No more than 9 cu yd of sand may be used and all sand shall be located above the normal high water line.
7. This permit shall be used only once, and does not allow for annual beach replenishment.
8. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
9. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
10. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g), dredge of less than 20 cu yds of materials from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The issuance of this permit shall not be construed as acceptance, by the Department, of the existing docking structures as being

constructed in compliance with the previously issued permit.

MINIMUM IMPACT PROJECT

2009-00725 MORRISON, DIANE
ALTON Lake Winnepesaukee

Requested Action:

Construct a 600 sq ft perched beach, permanently remove an existing walkway, permanently remove an existing sloped beach and stabilize the shoreline, on Lake Winnepesaukee, Alton.

Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE PERMIT:

Construct a 600 sq ft perched beach, permanently remove an existing walkway, permanently remove an existing sloped beach and stabilize the shoreline, on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated, as received by DES on April 21, 2009.
2. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
2. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
3. The steps installed for access to the water shall be located completely landward of the normal high water line.
4. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
5. This permit shall be used only once, and does not allow for annual beach replenishment.
6. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
7. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(d), construction of a beach.

FORESTRY NOTIFICATION

2009-01143 INGERSON, FRED
JEFFERSON Unnamed Stream

COMPLETE NOTIFICATION:
Jefferson Tax Map 5, Lot# 24A

2009-01226 DAVIES, CHIP
LOUDON Unnamed Stream

2009-01229 NORTON, JAMES
BARRINGTON

COMPLETE NOTIFICATION:
Barrington Tax Map 203, Lot# 24

2009-01249 DUNHAM, BOB
NEWPORT Unnamed Stream

COMPLETE NOTIFICATION:
Newport Tax Map 5, Lot# 67

2009-01251 DYER, GARY
HINSDALE Unnamed Stream

COMPLETE NOTIFICATION:
Hinsdale Tax Map 7, Lot# 3-2

2009-01252 MOORE, THOMAS
ALTON Unnamed Stream

COMPLETE NOTIFICATION:
Alton Tax Map 14, Lot# 13

2009-01253 CARPENTER, GEORGE & SALLY
GILMANTON Unnamed Stream

COMPLETE NOTIFICATION:
Gilmanton Tax Map 413, Lot# 1

2009-01254 TAYLOR, STEPHEN & SIOBHAN
AMHERST Unnamed Stream

COMPLETE NOTIFICATION:
Amherst Tax Map 5, Lot# 132-2

2009-01255 H & H INVESTMENTS LLC, DONALD HARDWICK
RICHMOND Unnamed Stream

COMPLETE NOTIFICATION:
Richmond Tax Map 410, Lot# 13

2009-01256 CRANE/ FARAN, EMILY & ELLEN
BRIDGEWATER Unnamed Stream

COMPLETE NOTIFICATION:
Bridgewater Tax Map 205, Lot# 4

2009-01257 JONES, DIANE
CONCORD Unnamed Stream

COMPLETE NOTIFICATION:
Concord Tax Map 105, Lot# 6

2009-01259 KING, NOEL
RUMNEY Unnamed Stream

COMPLETE NOTIFICATION:
Rumney Tax Map 3, Lot# 1-1

2009-01314 GAGNE, RICHARD & G NADEAU
ROCHESTER Unnamed Stream

COMPLETE NOTIFICATION:
Rochester Tax Map 127, Lot# 36

2009-01329 REEVES, ROBERT
EPSOM Unnamed Stream

COMPLETE NOTIFICATION:
Epsom Tax Map U13, Lot# 36

2009-01330 FRASER, GRACE
WENTWORTH Unnamed Stream

COMPLETE NOTIFICATION:
Wentworth Tax Map 12, Lot# 9,12,14

2009-01331 FRASER, GRACE
DORCHESTER Unnamed Stream

COMPLETE NOTIFICATION:

Dorchester Tax Map 2, Lot# 230, 230.3, 230.4

2009-01332 **COLLINS, GERALD**
MARLOW **Unnamed Stream**

COMPLETE NOTIFICATION:

Marlow Tax Map 412, Lot# 42-1 & 2

EXPEDITED MINIMUM

2008-01319 **ARCAND, EUGENE & RITA DIGIOVANNI**
MEREDITH **Lake Winnepesaukee**

Requested Action:

Applicant requests that the permit be amended to reflect the actual dimensions of the pre-existing dock.

APPROVE AMENDMENT:

Repair a 6 ft x 12 ft crib and a 12 ft 3 in x 30 ft pier accessed by a 6 ft x 22 ft 3 in walkway from shore, install a seasonal boatlift, and relocate 2 personal watercraft lifts on an average of 138 ft of frontage on Lake Winnepesaukee, in Meredith.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction as revised June 16, 2009, and received by DES on June 17, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the existing size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. Rocks may not remain stockpiled on the frontage for a period longer than 60 days. Rocks shall not be stockpiled with 20 ft of any property line or the extension of any property line over the water.
9. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the repairs.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2009-01111 JONATHANS LANDING ASSOCIATION, JOHN FORTIN
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Repair "in kind" an existing 59 slip major docking facility on Lake Winnepesaukee, Moultonborough.

Conservation Commission/Staff Comments:

Con Com signed Exp Application on June 03, 2009

APPROVE PERMIT:

Repair "in kind" an existing 59 slip major docking facility on Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants dated June 01, 2009, as received by DES on June 03, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2009-01263 PATS PEAK, INC
HENNIKER Unnamed Stream Unnamed Pond

Requested Action:

Dredge and fill \pm 450 sq. ft of an intermittent stream/snow pond at Pats Peak to replace two (2) 18-inch x 41-foot CPP outlet culverts with a 10-foot x 3-foot concrete spillway with sump and 60-inch x 46-foot ADS outlet pipe and remove accumulated sediment and stabilize channel at outlet.

APPROVE PERMIT:

Dredge and fill \pm 450 sq. ft of an intermittent stream/snow pond at Pats Peak to replace two (2) 18-inch x 41-foot CPP outlet culverts with a 10-foot x 3-foot concrete spillway with sump and 60-inch x 46-foot ADS outlet pipe and remove accumulated sediment and stabilize channel at outlet.

With Conditions:

1. All work shall be in accordance with plans by MEA Engineering Associates, PLLC dated June 2009, as received by the Department on June 22, 2009.
2. This permit is contingent on approval by the DES Dam Bureau.
3. Work shall be done during annual low flow conditions and in the dry.
4. In the event there is flow at the time of construction a stream diversion plan shall be submitted to the department prior to construction. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. There shall be no excavation or operation of construction equipment in flowing water.
10. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
12. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
13. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
14. Temporary cofferdams shall be entirely removed immediately following construction.
16. Proper headwalls shall be constructed within seven days of culvert installation.
17. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
18. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
20. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
21. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
23. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
24. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
25. Post-construction photographs documenting the status of the completed project shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(n), alteration of less than 50 linear feet of an intermittent stream.
2. The proposed structures will provide improved control over discharge and sediment trap with the sump.
3. The Conservation Commission signed the Minimum Impact Expedited Application.
4. No comments were submitted from the federal agencies, NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
5. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

LAKES-SEASONAL DOCK NOTIF

2009-01318 BALDWIN, ROGER
CANAAN Canaan Lake

COMPLETE NOTIFICATION:
Canaan Tax Map I-D, Lot# 10 Canaan Lake

2009-01319 MINAHAN, BERNARD
MOULTONBOROUGH Lake Winnepesaukee

COMPLETE NOTIFICATION:
Moultonboro Tax Map 174, Lot# 37 Lake Winnepesaukee

2009-01320 JTT HOLDINGS LLC, JEFF & TOM THOMPSON
WINDHAM Cobbetts Pond

COMPLETE NOTIFICATION:
Windham Tax Map 17, Lot# 130 Cobbetts Pond

X-SHORELAND VARIANCE / WA

2005-02707 LITTLEFIELD, JR, WILLIAM
MEREDITH Lake Winnepesaukee

Requested Action:
The applicant proposes an amendment to extend the deadline of the approved native planting plan because of construction delays.

Inspection Date: 12/02/2005 by Heather S Dionne

APPROVE AMENDMENT:
Maintain the nonconforming structure's setback at 9.4 feet from the reference line, maintain the ridgeline height at 16 feet, except for a cupola where the peak height will be 22 feet; and increase the nonconforming primary structure's footprint by 49 square feet.

WAIVER APPROVED: Pursuant to RSA 483-B:11 II, RSA 483-B:9,II is hereby waived to allow construction of the proposed project within the Setback.

With Conditions:

1. All work shall be conducted in accordance with plans as received by the department on February 14, 2006 and November 14, 2005.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
8. Native plantings shall be completed within 21 days of the installation of the proposed building and shall be consistent with the plans submitted to DES on February 13, 2006.
9. This approval does not allow lakeward expansion of the primary structure.
10. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
12. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
13. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.1.
14. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing non-conforming residence is located within the 50 foot primary building setback to Lake Winnepesaukee and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
3. The applicant has proposed to plant NH native species along the shoreline, according to plans submitted on February 14, 2006, and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, II.

ROADWAY MAINTENANCE NOTIF

2009-01325 NH DEPT OF TRANSPORTATION, DISTRICT 2
ANDOVER Unnamed Stream

COMPLETE NOTIFICATION:

Remove debris & silt from inlet & outlet ends of an existing pipe

2009-01326 NH DEPT OF TRANSPORTATION
MOULTONBOROUGH Unnamed Stream

COMPLETE NOTIFICATION:
Maintenance dredge drainage ditches

2009-01327 NH DEPT OF TRANSPORTATION
MOULTONBOROUGH Unnamed Stream

COMPLETE NOTIFICATION:
Replace a 15"x 50' culvert in kind

2009-01328 NH DEPT OF TRANSPORTATION
MOULTONBOROUGH Unnamed Stream

COMPLETE NOTIFICATION:
Replace a failed 15"x 41' CMP culvert in kind

2009-01353 BARNSTEAD HIGHWAY DEPT, TOWN OF
BARNSTEAD Unnamed Stream Wetland

COMPLETE NOTIFICATION:
Replace 24" culvert with a 36" HDPE

2009-01354 BARNSTEAD HIGHWAY DEPT, TOWN OF
BARNSTEAD Unnamed Wetland

COMPLETE NOTIFICATION:
Replace an existing 12" RCP with new

PERMIT BY NOTIFICATION

2009-01076 KING, EDWARD
BRIDGEWATER Newfound Lake

Requested Action:
Repair existing retaining wall.

PBN IS COMPLETE:
Repair existing retaining wall.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(c) repair or repair of existing retaining walls with

no change in height, length, location, or configuration.

**2009-01238 PSNH
KEENE Unnamed Wetland**

Requested Action:

Temporarily impact \pm 700 sq. ft. of wetlands for swamp mat installation for routine electrical line maintenance access and impact \pm 25 sq. ft. for pole installation.

PBN IS COMPLETE:

Temporarily impact \pm 700 sq. ft. of wetlands for swamp mat installation for routine electrical line maintenance access and impact \pm 25 sq. ft. for pole installation.

With Findings:

1. The Conservation Commission did sign the PBN, and therefore did waive their right to intervene pursuant to RSA 482-A:3:11.
2. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(14) Temporary impacts associated with the inspection, maintenance and repair of existing utility lines within an existing utility right-of-way that meet the criteria of Env-Wt 303.04(af).

**2009-01317 FRANCONIA, TOWN OF
FRANCONIA Unnamed Wetland**

Requested Action:

Propose to dredge and fill 200 sq. ft. of wetlands and approximately 50 linear feet of an associated intermittent stream for construction of an access road to a proposed water tank and for the replacement of an existing culvert. The proposed new culvert is 36 feet long with an 18 inch diameter; the replacement culvert has an 18 inch diameter.

PBN DISQUALIFIED:

Disqualify permit by notification ("PBN") to dredge and fill 200 sq. ft. of wetlands and approximately 50 linear feet of an associated intermittent stream for construction of an access road to a proposed water tank and for the replacement of an existing culvert. The proposed new culvert is 36 feet long with an 18 inch diameter; the replacement culvert has an 18 inch diameter.

With Findings:

1. The permit by notification("PBN") was disqualified because it is for access to a water tank and does not qualify for the PBN process per Administrative Rule Env-Wt 506.01.
2. Administrative Rule Env-Wt 506.01(a)states the following: (a)The following projects shall qualify for the permit by notification process: (8) The installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial, recreational uses that meets the criteria in Env-Wt 303.04(z);
3. Administrative Rule Env-Wt 303.04(z)states: (z) Installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial recreational uses, provided:
 - (1) The total jurisdictional impact does not exceed 3,000 square feet;
 - (2) The roadway width at the crossing shall not exceed 20 feet;
 - (3) The fill width, measured at toe of roadway side slopes, shall be minimized, for example, by steepening the sideslopes and constructing walls, and not exceed 50 feet;

- (4) Fill for any single wetland crossing shall not exceed 60 feet in length, measured along the centerline of the proposed access way; and
- (5) Such projects shall be limited to crossings that:
- Do not impact bogs, marshes, sand dunes, tidal wetlands, cedar swamps, or undisturbed tidal buffer zone;
 - Are not located in or adjacent to prime wetlands, as defined by Env-Wt 701.02 through Env-Wt 701.04;
 - Do not meet the criteria of Env-Wt 303.02(k); and
 - Cross stream channels less than 10 feet wide;
4. The proposed project includes installing a culvert and associated fill to permit vehicular access to a new water tank.
5. Access to a new water tank is not access for a single family building lot or for noncommercial recreational uses.
6. Some of the proposed wetland impacts may be permissible but do not qualify for the permit by notification process. DES does not allow new direct discharge of untreated stormwater to wetlands or surface waters.

2009-01341 WEIN, DAVID & MARTHA
CENTER HARBOR Unnamed Stream

Requested Action:

Proposal to repair and replace an existing 12 in. x 15 ft. access road culvert impacting approximately 19 linear feet of intermittent stream.

PBN IS COMPLETE:

Repair and replace an existing 12 in. x 15 ft. access road culvert impacting approximately 19 linear feet of intermittent stream.

With Findings:

- This is a minimum impact project per Administrative Rule Env-Wt 303.04(x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.

CSPA PERMIT

2009-00118 CRONIN, ANNA & JOHN
NEW DURHAM Merrymeeting Lake

Requested Action:

Impact 6256 sq ft for the purpose of constructing a garage and pervious pavement driveway.

APPROVE PERMIT:

Impact 6256 sq ft for the purpose of constructing a garage and pervious pavement driveway.

With Conditions:

- All work shall be in accordance with plans by Varney Engineering LLC revised May 7, 2009 and received by the Department of Environmental Services ("DES") on May 15, 2009.
- Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
- Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- All activities conducted in association with the completion of this project shall be conducted in a manner that complies with

applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No more than 18.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. The project as proposed will leave approximately 2263 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2200 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00767 PICARILLO, DAVID
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 6,800 sq ft for the purpose of constructing walkways, patios, catch basins, drip edges, bio-retention areas and associated landscaping.

APPROVE PERMIT:

Impact 6,800 sq ft for the purpose of constructing walkways, patios, catch basins, drip edges, bio-retention areas and associated landscaping.

With Conditions:

1. All work shall be in accordance with plans L-01 by Pollock Land Planning LLC dated April 27, 2009 and received by the Department of Environmental Services ("DES") on April 29, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. All proposed impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
4. No new impervious surfaces shall be constructed until the planting needed to bring the waterfront buffer segments up to the minimum points required has been completed as shown on the approved plans L-03.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No more than 22.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
9. The project as proposed will leave approximately 2,850 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,814 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
10. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not

previously permitted or grandfathered.

11. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

13. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00798 MANCHESTER WATER WORKS
AUBURN Massabesic Lake

Requested Action:

Impact 900 sq ft for the purpose of removing an existing foundation, cement walks and steps to a previously removed single family home and re-grading and replanting the footprint.

APPROVE PERMIT:

Impact 900 sq ft for the purpose of removing an existing foundation, cement walks and steps to a previously removed single family home and re-grading and replanting the footprint.

With Conditions:

1. All work shall be in accordance with plans by Manchester Water Works revised June 9, 2009 and received by the Department of Environmental Services ("DES") on June 10, 2009.
2. This permit is contingent on approval by the DES Alteration of Terrain Program. Please contact the DES Alteration of Terrain Program at (603) 271-2973.
3. The area within the waterfront buffer where existing structures are to be removed shall be re-vegetated with native trees, shrubs and ground covers.
4. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (1).
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No more than 0.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00872 PURDY, LINDA
FITZWILLIAM Scott Pond

Requested Action:

After-the-Fact Permit request to retain 169 sq ft of impact for the construction of a gazebo.

APPROVE PERMIT:

Retain 169 sq ft of impact for the construction of a gazebo.

With Conditions:

1. All work shall be in accordance with plans by Linda Purdy revised June 9, 2009 and received by the Department of Environmental Services ("DES") on June 9, 2009.
2. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
3. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. No more than 2.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
6. The project as proposed will leave approximately 4335 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 4180 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2009-01109

TERRY, SUSAN

BARNSTEAD Huntress Pond (pinkham Pond)

Requested Action:

Impact 25,356 sq ft for the purpose of removing an existing non-conforming structure, a concrete pad and a portion of the existing driveway and constructing a single-family dwelling with a garage, a driveway and associated, and installing a state approved septic system and well.

APPROVE PERMIT:

Impact 25,356 sq ft for the purpose of removing an existing non-conforming structure, a concrete pad and a portion of the existing driveway and constructing a single-family dwelling with a garage, a driveway and associated, and installing a state approved septic system and well.

With Conditions:

1. All work shall be in accordance with plans by Blue Moon Environmental Inc dated December 8, 2008 and received by the Department of Environmental Services ("DES") on June 8, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Any impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
4. The area within the waterfront buffer where existing structures are to be removed according to plans by Blue Moon Environmental Inc shall be re-vegetated with native trees, shrubs and ground covers upon completion of project installation.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the

site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

9. Trees may be cut within the waterfront buffer however, the remaining tree and sapling score shall not be reduced below the minimum 50-point standard and all stumps and their root-systems shall remain.

10. In accordance with recommendations by the New Hampshire Natural Heritage Bureau, every effort should be taken to preserve large trees, especially mature white pine, in order to preserve potential nest and roosting trees for bald eagle in the protected shoreland.

11. No more than 5.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

12. The project as proposed will leave approximately 59,537 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 44,792 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

13. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

14. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

15. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

16. Any fill used shall be clean sand, gravel, rock, or other suitable material.

CSPA PERMIT W/WAIVER

2009-01023 OBRIEN, STEVEN & JENNIFER
NEWBURY Lake Sunapee

Requested Action:

Impact 8,300 sq ft for the purpose of removing 2 existing buildings and constructing a single-family dwelling with a deck, walkways, a loose stone patio, and dry wells, and installing a state approved septic system.

APPROVE PERMIT:

Impact 8,300 sq ft for the purpose of removing 2 existing buildings and constructing a single-family dwelling with a deck, walkways, a loose stone patio, and dry wells, and installing a state approved septic system.

WAIVER APPROVED: Pursuant to RSA 483-B:11 II, RSA 483-B:9,V(b)(2)(A)(i) is hereby waived to allow the temporary removal of native vegetation for purposes of a construction envelope. Native vegetation shall be replanted to the minimum standards upon completion of the primary structure.

With Conditions:

1. This approval includes a waiver of RSA 483-B:9,V(b)(2)(A)(i) and, therefore, shall not be effective until it has been recorded at the Merrimack County Registry of Deeds and a copy of the recorded waiver is sent to the Department by certified mail, return receipt requested.
2. All work shall be in accordance with plans by Holden Engineering and Surveying Inc. dated May 19, 2009 and received by the Department of Environmental Services ("DES") on May 28, 2009.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. The native vegetation between 50 ft and 150 ft of the reference line removed for the temporary impacts associated with the completion of the proposed project shall be revegetated with native trees, shrubs and ground covers within 60 days of completion of the foundation of the proposed primary structure.

5. Within the waterfront buffer there shall be no more than 114 sq ft of accessory structures in order to comply with Env-Wq 1405.03(c)(1) except as necessary for a 6' wide path to the waterfront as allowed under RSA 483-B:9, V, (a), (C).
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas outside the limits of the permitted impacts.
7. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No more than 28.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
11. The project as proposed will leave approximately 2,515 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,883 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
12. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
13. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
14. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
15. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Sunapee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The project as proposed would result in the increase in impervious surface area, and the temporary removal of native vegetation between 50' and 150' of the reference line beyond the minimum standards of RSA 483-B:9, V(b)(2)(A)(i).
4. The applicant has proposed to remove the non-conforming primary structure, install a dry well infiltration system, and replant the native vegetation removed between 50 ft and 150 ft of the reference line during the project installation, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.